816. m. 18
28.

16

The CASE of the Planters of Tobacco in Virginia, *as represented by themſelves, ſigned by the Preſident of the Council and Speaker of the Houſe of Burgeſſes.*

WE the Council and Burgeſſes of *Virginia*, the moſt ancient of the *Britiſh* Colonies in *America*, now met in a General Aſſembly, having under our Conſideration the diſtreſſed State of the Tobacco Trade, which chiefly employs the Induſtry of the King's Subjects here, and is their only Support, find ourſelves obliged, from a Senſe of Duty to His Majeſty, and our own Sufferings, to repreſent, The Progreſs of that Trade through a long Courſe of Years; the many Miſchiefs that have attended it through the various Changes it has undergone by ſeveral Acts of Parliament; and the particular Hardſhips which are now impoſed upon us by the unjuſt Dealings of moſt of our Factors, the Tobacco Merchants in *Great Britain*.

TOBACCO, after the Act of Tonnage and Poundage made in the Twelfth Year of King *Charles* the Second, until the Firſt Year of King *James* the Second, was liable only to the old Subſidy of One Penny, and the additional Duty of another Penny *per* Pound; and during that Time the Duties were no great Burthen upon the Merchants; and the Frauds in the Cuſtoms (if there were any) were ſo inconſiderable, that they did little affect the Planters. But their principal Diſadvantage then was, that the Uſe of Tobacco was not ſo much grown into Cuſtom, and the Quantity imported into *England*, though it was vaſtly leſs than at this Time, did exceed the Conſumption; yet it was a more profitable Trade, and perhaps yielded a much better Revenue in Proportion than all the Duties do now.

By the 1ſt of King *James*, an Impoſition of Three Pence *per* Pound was added, to be paid with ſeveral Abatements by the Conſumptioner before he ſhould be permitted to receive it from the Merchant; and in the mean Time, the Merchant or Importer was obliged to give Bond with one or more ſufficient Securities, or to procure two other Perſons to become bound to the King, not to deliver any Tobacco to the Buyer before the Duty ſhould be duly paid; or, in Caſe he ſhould not ſell or export it before the Expiration of Eighteen Months from the Importation, to pay the Duty.

Theſe Bonds were to be diſcharged by Certificate of the Buyer's having paid the Duty, or giving Bond to export it; and the Merchant or Importer was liable once in Three Months to account upon Oath to the Commiſſioners of the Cuſtoms, and his Warehouſes to be ſearched for all Tobacco remaining in his Hands from Time to Time; and in Caſe he ſhould fail to make Payment of the Duties which ſhould be found due, his Bonds were to be returned into the Exchequer, there to be proſecuted according to the Courſe of Law.

Then there aroſe a ſufficient Temptation to defraud the Cuſtoms, and the Running of Tobacco became ſoon a very great Abuſe; but in other Reſpects the Courſe of the Trade was very little altered, the Price was raiſed in ſome Degree in Proportion to the Duties, and this Impoſt was much better ſecured to the Crown, than by the Method introduced afterwards by the 7th and 8th of King *William*, which obliged the Importer to give Bond for the Payment of it at the End of Eighteen Months from the Importation, diſcounting for prompt Payment Ten, Six, Four, and Two *per* Cent. according to the Time, which was to be diſcharged by Debentures upon Exportation of the ſame Tobacco within Twelve Months. It was ſaid that the former Method of paying the Duty by the Conſumptioner was found prejudicial to Trade, and grievous to the Merchants; but Experience has not yet diſcovered any Advantage from the Merchants bonding the Duties; nor were the People of *Virginia* acquainted with the Inconveniencies that were ſuggeſted to the Parliament, and were the Grounds upon which that Alteration was made; but many Abuſes did ſoon ariſe from thence in Regard to the King and People. The Merchants indeed had immediately an apparent Benefit by this Regulation; for in all their Accounts afterwards, they charged their Commiſſions upon Eight Duties, even when the Tobacco was exported, and only the firſt Penny paid, and the Moiety of that drawn back: Which has been conſiderably aggravated upon the Planters ſince the further Subſidy of One Penny by the Act of the 9th and 10th of King *William*, and the one Third Subſidy by the 2d and 3d of Queen *Anne* were added. So that at this Day, the Merchants Commiſſions may be generally computed to be above an Eighth Part of the net Produce of the Tobacco, in moſt of their Accounts, and upon

The copy filmed here has been reproduced thanks to the generosity of:

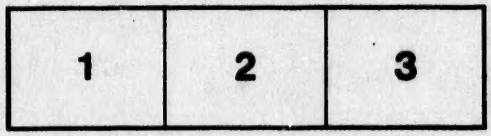
Library of the Public
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol ⟶ (meaning "CONTINUED"), or the symbol ▽ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

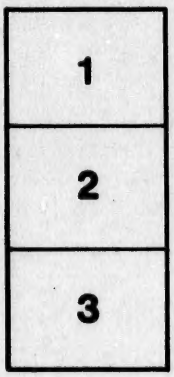
La bibliothèque des Archives
publiques du Canada

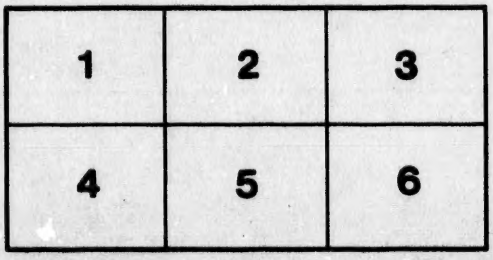
Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole ⟶ signifie "A SUIVRE", le symbole ▽ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.





The CASE of the Planters of Tobacco in *Virginia*, as repreſented by themſelves, ſigned by the Preſident of the Council and Speaker of the Houſe of Burgeſſes.

1732
(1)

upon many Sales to more than the whole Balance coming to the Planter. Divers Acts of Parliament have been ſince made in ſeveral Reigns for advancing the Trade; and we conceive that the Prohibition to import Bulk Tobacco was ſo far uſeful, as to make the Running of it more difficult: Enlarging the Time for Exportation to Three Years, drawing back the whole Duty upon Exportation, and reducing the ſeveral Diſcounts and Allowances upon the reſpective Duties to one uniform Abatement, have produced ſome good Effects. But ſo long as the Merchant is truſted with the keeping of Tobacco in his own Warehouſes, and the Payment of the Duties continues under the preſent Method, we apprehend no Expedient will be found adequate to the Miſchiefs deſigned to be remedied.

For, with reſpect to the King, it is very obvious from many recent Inſtances, that many of the Merchants are forced to contract Debts at the Cuſtom-Houſe far exceeding the Valve of their Eſtates, which has occaſioned the Loſs of vaſt Sums of Money to the Revenue. The Planters find an unaccountable Difference in the Weights of their Tobacco when it is ſhipped off here, and when it is weighed again at the Cuſtom-Houſes in *Great Britain*, eſpecially in *London*. It will be very clear from an Enquiry into the Balances paid every Year into the Exchequer, that not above one half of the Tobacco which muſt neceſſarily be conſumed in *Great Britain* can have paid the Duties: And it may be worth while to conſider by what Means it has been poſſible for many Merchants who have fail'd, and thereby diſcovered the ill State of their Affairs, to maintain their Credit for many Years at the Cuſtom-Houſe.

It will be, without Doubt, a very great Difficulty upon us at this Diſtance, to give any clear Account of the Cauſes which produce ſuch Evils, and whatever we are able to offer upon the Subject, may poſſibly amount only to a probable Conjecture. Yet if Recourſe be had to the Number of Hogſheads imported and exported, and a juſt Calculation made of the Weights of one Hogſhead with another, (which may now be eaſily known from the ſeveral Cuſtom Houſes in *Great Britain*, as to *Virginia* Tobacco, ſeeing the net Weight when it goes from hence, by a Law lately made here, is marked upon every Hogſhead by ſworn Inſpectors) there will remain a very pregnant Suſpicion, that a conſiderable Part of the Frauds muſt proceed from weighing the Tobacco upon the Landing of it, either through Corruption or Negligence: And if this be probable, the Merchant having the Tobacco in his own Warehouſes, or his Servants, Coopers, or Porters, may take out of a great Number of Hogſheads a large Proportion of the whole, and yet by the Favour and Connivance of a corrupt Officer, when it comes to be weighed again for Exportation, may obtain a Debenture for a greater Quantity, and thereby not only defraud the Crown of the Duty which ought to have been paid, but even receive a Drawback for what was never paid: And we think it impoſſible to account in any Degree for ſuch prodigious Frauds in another Manner.

We conceive it is no hard Matter for a Man of a ſmall Fortune to make a conſiderable Figure in Trade by a large Credit at the Cuſtom Houſe; for if a Merchant, for Example, enters Five Hundred Hogſheads of Tobacco, which he ſells for the Home Conſumption, and bonds the Duties, though they are payable at the End of Eighteen Months, no Proceſs can iſſue againſt him till after the Time allowed for Exportation, then he cannot be moleſted upon ſuch a Bond within three Years, and ſo long he has to contrive a Way to diſcharge it, which may be done in this Manner: If he can procure the ſame Quantity every Year, by exporting the Conſignment of every Third Year only, the Debenture (if any body will ſwear it to be for the ſame Tobacco that was entered Two Years before) will diſcharge all the Bonds that can be proſecuted againſt him, and reimburſe him for what he was obliged to pay down for the Firſt Penny: So by ſuch a Management, a Merchant may trade with good Credit a conſiderable Time upon the Money he really owes to the Crown; and if he is very dexterous, may actually diſcharge all his Bonds, and by the Frauds in the Weights at the Landing and Shipping off, gain a great deal of Money. A flagrant Inſtance of this Sort, we are informed, was diſcovered by the Commiſſioners of the Cuſtoms, in the Caſe of Mr. *Midford*, and without Doubt many more have remained undiſcovered.

As this Method of bonding the Duties turns ſo much to the Prejudice of the Crown, it is no leſs injurious to the Planters, not only becauſe it cannot be expected, while ſuch enormous Practices ſubſiſt in the Trade, that the Tobacco which really pays the Duty can ſell at any tolerable Price; but the Merchants, eſpecially in *London*, have it in their Power to oppreſs the Subjects of the Tobacco Colonies in many grievous Inſtances. One has been already mentioned to engage in their Commiſſions; and we muſt beg Leave to obſerve ſeveral other.

The Merchants, when they ſell our Tobacco for the Home Conſumption, think themſelves under no Obligation to ſecure the Duties, but deliver it to the Retailer upon a long Credit, as they pretend; and if he happens to become a Bankrupt, they hold the Planter engaged to repay all the Charges of that Tobacco, including the Duties, and even their

own

own Commissions. By this Means, a Man, whose Misfortune it is to have his Tobacco sold to a Bankrupt, will be brought in Debt to the Merchant Eighteen or Nineteen Pounds a Hogshead, besides losing the net Produce; which is so terrible a Circumstance, that some are obliged to make a further Allowance to the Merchant to make good all Debts; and those that will not submit to their Terms are continually exposed to Ruin, and he that has the best Estate is most in Danger.

The Tret and Clough, which is an Allowance to the Freemen of *London* upon all wasting Commodities, is another heavy Article upon us: It is deducted out of the net Tobacco which pays the Duty upon every Sale to any Retailer, and amounts to above Twenty Shillings upon a Hogshead. We are allowed at the Custom House Eight Pounds upon a Hogshead by Act of Parliament for Draught, and Two Pounds for Sample; but this the Merchant in most Cases converts to his own Use, and thereby deprives the Planter of about Seven Shillings upon every Hogshead, and very often more. And whereas formerly all the petty Charges upon Tobacco did amount to little more than Five Shillings *per* Hogshead, which we conceive did exceed considerably what was really paid, the present Set of Merchants have of late contrived to raise that Article to upwards of Ten Shillings in all their Accounts, and very frequently to more than Fifteen Shillings. One extraordinary Charge, among others, is Three Pence a Hogshead, amounting to between Four and Five Hundred Pounds a Year from *Virginia*, and as much from *Maryland*, lately imposed upon us, without our Consent, to defray their Expences in applying to the Parliament upon any Occasion to relieve us from the Hardships we groan under: How well they deserve this Money, will best appear from the Records of Parliament.

We do admit the Act of Parliament which last settled the Abatements upon prompt Payment of the Duties, was designed for the Good of the Planters, and is so on Account of reducing the Duties to what they are at present; but the Merchants have so determin'd by their own Decrees, as to ingross, in great Measure, the Advantage of this Discount to themselves. For it is the Misfortune of the greatest Part of the Shippers of Tobacco, not to be able to remit Money to pay down the Duties, though some are; but they are obliged by the mysterious Rules of Trade, to lodge in the Hands of their Correspondents double the Sum that would be sufficient for that Purpose, or at least a very great Overplus; whereby the Merchant is manifestly in a much better Condition when he allows his Correspondent here the Advantage of the Discount, than when he takes it to himself, and makes it not worth any Man's while to keep Money to make the prompt Payment of the Duties upon his Tobacco, seeing upon the Merchants Terms of allowing the Discount, and their unreasonable Delays in bringing the Money back to our Credit, no body can make Four *per* Cent Interest, and very seldom so much. Besides, the Planter without Money, must, in a fair way of Dealing, be very frequently, if not always, entitled to the Discount of Seven *per* Cent *per* Annum, allowed by the 9th of the late King, upon the Payment of the Duties within Eighteen Months: For it is a very great Abuse in the Trade, that the Merchants are too hasty on many Occasions in selling Tobacco, in order to raise ready Money for their own Purposes; and though they keep their Accounts back several Years from their Correspondents, none of them will say that they never receive any Money upon the Sales of Tobacco within Eighteen Months from the Importation. Yet we know not one Instance of any Allowance being made upon this Article by any Merchant in *London*, though it has been made by some few in the Out-Ports.

This is only an Epitome of some of our Grievances, and there are many other that cannot be properly mentioned upon this Occasion. But lest these should not be sufficient by their own Weight to undoe us, we are informed the Merchants have lately obtained an Act of Parliament, whereby an Affidavit before the chief Magistrate of any Town or Borough, is made equal to *vivâ voce* Evidence, for the Proof of their Accounts, however unjust or mistaken; and the Nature of our Estates (which have from our first Settlement been under the same Circumstances that the like Estates are in *England*) are altered by making our Lands subject to the Payment of their Book Debts, in order to enable them to give us larger Credit. It will not become us, nor do we presume to dispute with the Wisdom of the Parliament; but we are justly alarmed with the Consequences of the additional Power the Merchants will have now to oppress us more than they have ever done before; and are apprehensive they cannot be restrained but by the Laws of their own Consciences, from making themselves Masters of the Estates in both the Tobacco Colonies, unless we can be relieved by the Parliament. And we persuade ourselves, that these Colonies who employ above Four Hundred Sail of Ships, maintain more than Four Thousand Seamen, consume of the Manufactures of *Great Britain* to the Value of near half a Million yearly, have so considerable a Share in supporting the Balance of Trade with Foreign Nations, and raise so great a Revenue to the Crown, without being one Farthing Expence to our Mother Country, will be thought worthy the Consideration of a *British* Parliament.

To

To this End we humbly Propoſe, that the Merchants be no longer ſolely truſted with the keeping of Tobacco, but that the ſame be depoſited in Warehouſes under the Lock and Key of the King and Merchant; that all the Duties be reduced to Four Pence Three Farthings the Pound, which is the net Duty, at preſent, after diſcounting the Twenty Five *per* Cent; that no Bonds be taken for ſecuring the Duties upon Importation; that all Tobacco be weighed when it is landed, and weighed again when ſold and delivered out to the Retailer or Exporter; that ſuch Retailer pay down the Duty according to the laſt Weight, and only remain anſwerable to the Merchant for the Overplus of the Price; that all Tobacco be exported Duty-free, and the ſame Time allowed for Exportation as is now; and that ſome ſeverer Penalties be annexed to the relanding of Tobacco delivered out for Exportation, or ſelling it at home: By this Method no Alteration will be made in reſpect to the Duty, but that will be better ſecured, and cannot fail of being encreaſed by ſuppreſſing the Multitude of Frauds, which muſt needs ariſe from the Merchant's having the Tobacco in his Power, and bonding the Duties: Many Perjuries will be prevented; the Merchant will then have no Intereſt in leſſening the Weights, but for the ſake of his Commiſſions will ſee that Juſtice be done to the King and the Planter, and the Cuſtom-Houſe Books will be a Check upon him if he does any wrong; the Planters will be able to chuſe their Merchants for their Probity and kind Treatment, and not for their Riches or Credit; the Sword will be taken out of their Hands, and the Balance held more equally between them and us.

Yet we cannot doubt, but many Objections will be raiſed by our Enemies to this Scheme, and terrible Conſequences muſt be foretold, to follow upon it, even with Reſpect to our ſelves: But however that may be, we have this Conſolation in being aſſured, that we cannot be in a worſe Condition than we are at this Juncture; and if the Trade ſhould not be reſtored to a better State, we ſhall at leaſt be ſecure in our Poverty, and be defended from thoſe who ſeek to undoe us.

Signed in the Name and Behalf of the Council.

Williamsburg, June 28, 1732.

ROBERT CARTER, *Preſident.*

JOHN HOLLOWAY, *Speaker of the Houſe of Burgeſſes.*